

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 19-cr-20768

v.

District Judge Paul D. Borman

JOHNNIE WATKINS,

Defendant. /

ORDER DENYING MOTION TO DISMISS INDICTMENT

Defendant Johnnie Watkins is charged in a three-count indictment alleging:

1. Carjacking in violation of Title 18 U.S.C. §2119.
2. Brandishing a firearm during and in relation to a crime of violence, 18

U.S.C. §924(c)(1)(A).

3. Being a felon in possession of a firearm, 18 U.S.C. §922(g)(1).

Defendant Watkins filed a Motion to Dismiss all three counts of the Indictment (ECF #28, February 14, 2020). The Government filed a Response on February 24, 2020 (ECF #31).

In the Motion, Defendant "acknowledges that this Court is bound by the Sixth Circuit cases holding that the carjacking and firearms statutes are constitutional. *United States v. McHenry*, 97 F.3d 125, 129 (6th Cir. 1996)..." ECF #28 at Page ID 149 (carjacking statute, 18 U.S.C. §2119), *United States v.*

Chesney, 86 F.3d 564, 570 (6th Cir. 1996) 18 U.S.C. §922(g)(1) is constitutional (firearms statute).

As to Count 2 of the Indictment alleging a violation of 18 U.S.C. §924(c)(1)(A) [crime of violence], Defendant acknowledges that the Sixth Circuit has upheld the application of this statute to carjacking as a crime of violence. *United States v. Jackson*, 918 F.3d 467, 486 (6th Cir. 2019).

Defendant "wishes to preserve constitutional challenges to both statutes." (ECF #28, Page ID 149). Defendant's challenges to the Sixth Circuit precedent are preserved in his briefing.

The Court determines that pursuant to Local Rule 7.1(f)(2), a hearing is not necessary.

Since Defendant Watkins has conceded that Sixth Circuit precedent rejects his assertions, no further explication of this ruling by the Court is required.

Accordingly, the Court denies Defendant Watkins' Motion to Dismiss the Indictment.

SO ORDERED.

Dated: March 3, 2020

s/Paul D. Borman
Paul D. Borman
United States District Judge